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THE CASE FOR "THOU SHALT NOT"

By William Henry Chamberlin

One of the most disastrous delusions of the Twentieth Century is that government is, by its nature, beneficent and omniscient and should, therefore, be omnicompetent. One finds this delusion cropping up under differing political and economic systems. As might be expected, the Communist governments of the Soviet Union, China and the east European satellites have achieved the most complete imaginable regimentation of the individual from the cradle to the grave.

But the British Labor Government, without resorting to the brutality of the concentration camp, established restraints on the liberty of the subject that would almost certainly have provoked riot and rebellion in the turbulent Elizabethan days. It was made illegal for a man to repair his house, or to build a house or add to a house without bureaucratic approval; or to keep more than a certain number of chickens unless he would sell eggs at a fixed price; or to sell a cup of milk to a stranger.

Behind President Peron's seizure of the great independent newspaper, *La Prensa,* and President Truman's seizure of the steel industry, lies the same philosophic conception: that government, in "emergencies", has an inherent power to do just about anything it likes.

It would be an instructive exercise to compare the constitutions of the Nineteenth Century, the classical age of genuine liberalism, with those of the Twentieth. The liberal constitutions of the earlier century invariably included a good many specific "Don'ts", addressed both to the executive and legislative branches of the government.

The Communist and Fascist constitutions of our time impose no real restrictions on what the State may do. They magnify the State into a greater and more formidable "leviathan" than the British political scientist Hobbes ever dreamed of. The Fascist and Nazi constitutions are now dust and ashes; but the implications of some provisions of the Soviet Constitution are significant.

For instance, Soviet citizens have "the right to work . . . insured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment".

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But there is no guaranty that this work will not be performed under conditions that would have shocked Simon Legree, conditions of slave labor of the most ruthless exploiting type, with overwork and underfeeding assuring a high rate of mortality.

The Soviet Constitution also assures freedom of speech, press, assembly and meetings and street processions and demonstrations. These "rights are insured by placing at the disposal of the working people and their organizations printing shops, supplies of paper, public buildings, the streets, means of communication and other material requisites for the exercise of these rights".

What these rights mean, in practice, are: that the people may say what the government wants them to say, read what the government wants them to read and march in the kind of demonstrations which the government wishes to see.

THIS MANIA for positive and affirmative State action has obviously affected the framers of international declarations. Consider the handling of such simple issues as freedom of religion and freedom of press in the UN draft Covenant on Human Rights. Instead of clear, simple prohibitions, addressed to governments, against interfering with either, one gets such long-winded and suspiciously vague formulas as the following:

> "Freedom to manifest one's religion or belief shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of other."
>
> "The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms and reputation of others."

It would be easy to suppress both freedom of religion and freedom of press by an astute use of these elastic clauses.

The principal bogey of superficial minds today is "negativism". But from the proclamation of the Ten Commandments to the shaping of the American Constitution, freedom and civilization have been fostered by uncompromising negatives, directed against undesirable forms of human conduct, as well as undesirable forms of government power.

"Thou shalt not kill . . . Thou shalt not commit adultery . . . Thou shalt not steal . . . Thou shalt not bear false witness against thy neighbor . . . Thou shalt not covet thy neighbor's house . . . nor anything that is thy neighbor's". Very negative, no doubt. But very conducive to ordered freedom in a tribal society, or in a Twentieth Century society, for that matter.

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The United States Constitution is also thickly studded with negatives as the following brief summary indicates:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press . . . [What delightful clarity, brevity and simplicity, contrasted with the involved ambiguity of the UN draft Covenant!] . . . Nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation . . . Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

THERE IS a noteworthy and significant absence, in the Constitution, of provision for what would now be called the "positive" functions of the State. It probably never occurred to the Founding Fathers that a government should be a universal employment agency, or a provider of cheap housing, or a source of free dentures and spectacles, or a cornucopia of handouts. Many of them, notably Adams, Jefferson, Madison and Hamilton, were among the most learned men of their time. They possessed a familiarity with classical literature and history that is almost unknown among political leaders today. They were especially influenced by two of the most persuasive advocates of the system of a limited government with divided powers, Locke and Montesquieu.

The men who framed the Constitution were convinced from reading and experience that far more is to be feared than expected from unlimited governmental power. They had led a revolution against a monarch, but they were well aware that mob rule could be as tyrannical, as destructive of true freedom, as the arbitrary power of a king.

The gifted French political thinker and commentator on the institutions of the American Republic, Alexis de Tocqueville, belongs to a later age. But the American Constitution shows the influence of his keen perception that a majority, as well as a minority or an individual ruler, might and probably would be a tyrant, if vested with power unbalanced by any safeguards for individual rights. De Tocqueville's thought on this subject in *Democracy in America* is so penetrating and so very applicable to modern experiments in totalitarian rule that it is worth quoting:

> "A majority taken collectively may be regarded as a being whose opinions and most frequently whose interests are opposed to those of another being, which is styled a minority. If it be admitted that a man, possessing absolute power, may misuse that power by wronging his adversaries, why should a majority not be liable to the same reproach? Men are not apt to change their

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characters by agglomeration; nor does their patience in the presence of obstacles increase with the consciousness of their strength. And for these reasons I can never willingly invest any number of my fellow creatures with that unlimited authority which I should refuse to any one of them."

THE TERM democracy was in very bad repute during the first years of the American Republic. And this was by no means a sign that the Founding Fathers were stuffy, class conscious, privileged aristocrats. For the French Revolution, especially in its Jacobin phase, was a vivid object lesson for the proposition that unliimted State power, even though this might be exercised in the name of the people, of "democracy", could easily degenerate into a tyranny far more formidable and sanguinary than the sleepy, obsolete monarchy which had been overthrown.

The ultimate guarantor of Robespierre's absolutism was the guillotine, as the ultimate guarantor of Stalin's absolutism is the bullet in the back of the head or the slow death of the concentration camp. The Founding Fathers, as one can recognize by rereading *The Federalist* and other papers of the time, understood that tyranny is a hydra-headed monster, that the popular tribune of the people today may be transformed into a ruthless dictator tomorrow.

So they proceeded on a philosophic basis completely opposite to that of the French Jacobins of their own time and of Communists and other totalitarians in the present age. They created a government of specified and limited power, carefully spelled out in a written Constitution. They created three branches of government, each with separate functions, each designed to act as a check and balance on the other two.

The proper functions of government, according to their conception, were to see to the administration of justice and the maintenance of order and free institutions and to attend to the defense of the country against foreign attack. They did not offer the American people a bag of lollipops. They proceeded on the assumption that a people assured against government tyranny and meddling would achieve for themselves, by the sum of their individual efforts, a far higher national and personal standard of living than any State could ever give them.

The brightness of the American dream has been dimmed by lapses into Statism during the last two decades. But the fruit of a national evolution shaped by a "negative" Constitution which gave the people not material benefits, but unrestricted opportunity to acquire these benefits for themselves, has been a standard of living so high that the American border has to be watched against would-be (gate-crashers). The fruit of the totalitarian constitutions where the government is supposed to do everything for the people (and does a great many things *to* the people) is the frontier that has to be guarded with troops and police, bloodhounds and barbed wire, not against those who want to come in but against those who want to get out.

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HUMAN EVENTS

FRANK C. HANIGHEN, *Editor* FRANK CHODOROV, *Associate Editor*

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Famous Victory: As we go to press this week, five days after the decision was reached in Chicago, the overriding factor in the GOP situation is the possibility of a serious party split. There remains a grave division between the followers of Eisenhower and those of Taft, and this could prove disastrous to the party as now constituted. Little of the furious thinking about this problem which is going on in political circles reaches the pages of the press. Discretion and a sound desire to hold the party together keep concealed the apprehension felt by many GOP leaders.

Yet, despite this grim reality, a welding job could be accomplished, the party saved and victory this year ensured, if the proper measures be taken. There are positive and hopeful factors. One is the character of Ike himself.

His truly superb gesture, when he made his quick visit to Taft right after the victory ballot was finished — that is the hope of those who not only see perils, but earnestly want a united party. Even the most disgruntled Taft followers should recognize the magnificence of Ike's action.

It should be explained that, customarily, in such circumstances, the defeated candidate simply sends a message of congratulation to the victor. But Ike did not wait for Taft's communication. He reversed the process and went straight to Taft's headquarters to offer his congratulations to his defeated opponent on the latter's gallant fight. And the Ohioan responded warmly, with all the greatness of his nature. It was in the finest tradition of the U.S. Army. It was like Grant and Lee at Appomatox. Unfortunately, however, we must recall the lamentable sequel to Lee's surrender: the generosity of Grant was not followed by the vindictive Republican politicians.

So, today, there are signs that the Eastern politicos to whom Ike owes his nomination are as "black" as the "black Republicans" of 1865. A healing remedy was proposed right after the Presidential nomination when Senator Dirksen was suggested as a vice-presidential candidate. It is reported that Eisenhower said "sure", but the Eastern politicos talked him out of it.

Then, in the past forty-eight hours, the announcement of the personnel of Ike's council of advisers revealed that he had been closed in from all channels save those of the victorious political clique. The *Wall Street Journal* (June 15), which at first had sought to pour oil on troubled waters and look hopefully towards the future, tartly commented: "At this moment of writing, it seems to us that the Republicans — or rather the dominant faction — are well on the way to repeat the errors of 1948. One of those errors was to make the Party command a closed corporation, smugly rejecting both advice and warnings of disaster."

Yet, many Republicans counsel patience: they must wait to see if Ike himself will try to bring unity by another superb gesture, and they must wait to see what emerges from the Democratic convention next week. The spectacle of a Democratic nomination fight similar to that of 1948 might help to heal the internal GOP breach.

Democratic Donnybrook: Whatever effect the Democratic convention outcome will have on Republican chances, the way the Republicans ended their nomination battle has had its effect on the Democratic

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picture. Already, supporters of Senator Russell are basing their plea for his nomination on the claim that he could not only carry the South and border states, but also the Middle West.

The boast is not fantastic. Before departing from Chicago last weekend, we heard many Republicans say that they would vote for Russell rather than Ike. Some of these remarks, made by Taft partisans, may be discounted as products of bitter defeat. Later on, these individuals may change their mind. But if the open wound in the GOP is not given prompt attention, a large number of GOP voters in such key states as Indiana, Illinois and Ohio might well "sit on their hands" next November.

Observers say the popularity of Russell in such areas is simply wistful thinking, for Russell is not likely to receive the nomination. Who, then, will carry the Democratic banner and will the choice bring a Democratic party split?

At this early date, we receive from our correspondent in Chicago several guesses as follows: If Truman, Kefauver or Harriman should receive the nomination, the South would revolt and name its own candidate. If Barkley or Stevenson should carry off the prize, the South would go along with the head of the party.

In the first eventuality, the South might play for high stakes: the Presidency for one of its own, Russell or another Southerner in December, not November. What Southerners mean, when they project this possibility, is that they envisage a situation (should there be three candidates) in which none would have a majority. Hence, the real election would take place in the House of Representatives. This was the prospect so widely discussed last winter, before Truman staved off a Southern revolt by declaring himself out of the race. If this prospect should materialize, a sufficient number of independent Republican representatives might join with the Southern colleagues in a deal by which one of their number would get the Vice-Presidency; and the two conservative blocs would jointly organize the Congress, dividing the chairmanships and presiding officers. In short, the party realignment preached by Senator Karl Mundt. It sounds too strange to happen.

In the second eventuality (Barkley or Stevenson as the Democratic nominee) Ike faces difficulties. Presumably, Russell or some other Southern Democrat would take second place. The outcome would then depend on how astutely the General and his advisers conduct the campaign.

It is widely recognized that there are fewer Republican voters than Democrats; that the Republicans since 1928 have never, on their own, attained more than 115 electoral votes (Dewey won New York, Michigan and Maryland in '48 because of Henry Wallace's voting following). Finally, it must not be forgotten that the men who nominated him are the same who won the nominations in 1940, 1944 and 1948. They lost the election in each of those years. Realization of this history is the motive behind much of the electoral exhortations these days that Ike should run his own campaign in his own native way.

Looming Split: What are the present evidences that there may be a real split in the GOP?

(1) It should not be forgotten that Taft continued to hold about 500 delegates until the last phase, and that 280 delegates stood firm for him through the first (and last) ballot, despite temptation to join the bandwagon. In those 280 were the virtually solid delegations of Indiana, Ohio and Illinois. That's quite a chunk of the party to leave disaffected.

(2) Almost all observers agree that the bitterness of the losers was far greater last week than it was in 1948. We witnessed emotional scenes in Taft Headquarters after the balloting, the like of which we did not see in 1948. In the city of Chicago, one could not miss the strong feeling against the Eastern bosses, Dewey and Fine. To many Chicagoans, it seemed that their candidate was flayed on account of some piddling Southern bosses, while the big Eastern bosses, Fine and Dewey, cracked the whip over their delegations in dictatorial fashion to nominate their man. On television, a now famous scene on the rostrum has given Fine and Dewey immortality, but not the kind they like.

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(3) As the convention closed, a prominent Indianan remarked to us that Senator Jenner of his state, now running for re-election, would have to conduct his campaign as an "independent" Republican, ignoring the head of his national ticket; otherwise he would be defeated, Taft sentiment being strong among the Hoosiers. Jenner is pitted against Governor Schricker, one of the cleverest of Democratic politicians. The next morning's paper contained an A.P. dispatch from Indianapolis, reporting that Schricker said the following: "If the nation were to have a Republican President, it ought to have a real one like Taft. Eisenhower hasn't contributed anything to the Republican Party in the past, while Taft has been what they called him — Mr. Republican." How can Jenner retort to this? This is the first of many "needles" the Democrats may plant.

(4) Another Democratic dart. The next day, July 12, papers reported that Representative Franklin D. Roosevelt, Jr., called on Eisenhower to repudiate the "isolationist" Jenner. One can well imagine that some in the Eisenhower entourage would like to comply, and indeed to stage a general purge of all rebellious Senators and Representatives who have followed Senator Taft's line. So far, General Eisenhower has avoided direct comment on Senator McCarthy. It isn't likely that the sadistic Democrats will let him off so lightly.

Taft: Could Taft swing his followers in line behind the General? The defeated candidate pledged support for Ike, should he be elected, during the campaign. But there may be an obstacle which could prevent the Ike high command from calling on Taft for active support.

The day of the balloting, the Taft headquarters, under the signature of Taft National Chairman David S. Ingalls (the Senator's cousin), issued a blast against the New York Governor with the headline, "Sink Dewey" and the sub-title, "End Dewey's Control of Our Party — Eight Years of Deweyism and Defeat". We have before us a copy of this broad-sheet, widely distributed among delegates. The text is frankly abusive of Dewey and is expressed in strong, melodramatic phrases. It is a little difficult to see how a Dewey-controlled high command can ask Taft to support the ticket in view of the words of this manifesto which closes with the following: "Until and unless Dewey and Deweyism are crushed our party can never win and America can never be made safe from the insidious efforts of the New Dealers, whatever the party label, to take us down the road to socialism and dictatorship."

MacArthur: Why was there no shift from Taft to MacArthur? Here is the inside story, which we have gathered from various sources close to the camps of both personages.

For weeks before the convention, those who feared a deadlock between Taft and Ike and a split in the party, no matter who was nominated, had been exploring the possibility that MacArthur might prove a compromise candidate. A suggestion had been made to one of the General's wealthy admirers that funds be provided for quiet political field work to build up a small nucleus of delegates, say 100, on which base a shift might be built up. But the funds were not forthcoming.

Then as the convention gathered, and the Taft-Ike feuds became very envenomed, more discussion went on. It came to a head, as nearly as we can discover, on Sunday and Monday, July 6 and 7. Professional politicos obtained an agreement between Taft and MacArthur to the effect that the shift would only be attempted if there were produced written evidence that MacArthur could count on at least the 604 delegates necessary to nominate. Taft did not wish to abdicate his chances, nor did MacArthur wish to be a futile sacrifice.

The obvious bloc of delegates which might be added to Taft's 535 (the estimate at the time) was Pennsylvania's 70 delegates. Governor Fine of that state had previously hinted that he might prefer MacArthur. He was approached and said he would line up his delegation for MacArthur. However, by Thursday, Fine replied that he could not do so, that he was in "trouble" with his own delegation, "with those Pittsburgh people". (Much speculation has followed as to who these were; the conclusion

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is that he was not referring to the workers in steel plants.) Anyway, his failure to deliver wrote finis to the chapter.

Concurrently, the professionals anxious to accomplish the shift were in contact with amateurs fanatically boosting MacArthur. But the latter could produce no written proof that they could deliver the necessary votes. They persisted, however, in urging the shift, saying that the placing of MacArthur's name in nomination as a substitute for Taft's would by itself provoke a stampede for the General. The professionals could foresee no such effect, and anyway both Taft and the General wanted written assurance. According to reports, the General had remarked that, in his military experience, he had never seen a detachment shifted from one field position to another, under enemy fire, without losing some men.

It Happened in Roseville: Perhaps the story would never have come to light if it had not been for Mr. George H. Mayse, Secretary-General of Local Federation No. 15, AFL, Railway Employees at Roseville, Calif. Mr. Mayse wrote the California branch of the SAR (Sons of the American Rovlution) a letter in which he said that this union

> ". . . is now fighting to retain a school superintendent who stands for teaching the three R's and the principles of democratic society . . . that the attack on [the] superintendent is inspired by leaders in a movement called 'progressive' education."

One reason for the union's interest in the matter, according to Mr. Mayse, is that "Many of the children of labor do not go beyond high school. For this reason it is important to instill within them a faith that will resist subversive propaganda against our liberties".

The SAR hired a lawyer to make a survey of the situation. He found that Mr. Alpheus W. Ray was appointed superintendent of schools in 1944, after the people of the city had taken note of the "progressive" demoralization of the school system, and had elected a school board pledged to clean up the mess. Mr. Ray did exactly that. In two years the graduates of the elementary schools were up to high school entrance requirements; when he came to the job, only 35 per cent could make the grade.

The "progressives" did not give up. Mr. Ray brushed with them on the state level, where they were in control of the board of education, which furnishes textbooks; he complained that the textbooks supplied by the state were both inadequate and unsatisfactory. In 1948, when his first contract was about to expire, he began to hear rumors designed to besmirch his character. However, by a vote of 3 to 2 he was reappointed. In the meantime, as often happens, the membership of the local board of education had changed, control had passed to the "progressive" faction. The "smear" campaign began again last year, and on November 13, without a hearing, without notice and without debate, it was decided not to renew Mr. Ray's contract.

Several local civic groups, aside from the union, have interested themselves in this case. However, the National Education Association, and the Civil Rights Association, and the Anti-Defamation League, all of which made such a to-do over the dismissal of a "progressive" school superintendent in Pasadena, have been significantly silent.

"Communist Trade Union Trickery Exposed": This is the title of an informative booklet by Karl Baarslag, published by Argus Publishing Company, 55 East Washington Street, Chicago, Ill. ($1.00 per single copy, special prices for quantities.) While obviously intended for union members, to help them detect Communist tactics and techniques, it will also serve to enlighten those who still think of Communism as an ideology, rather than a blueprint for conquest.

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